

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA

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E.O. 11652: N/A

TAGS: EWWT, GT, US

SUBJECT: GUATEMALA & THE CODE OF CONDUCT FOR LINER
CONFERENCES

REF: GUATEMALA 2687

1. PER REQUEST, PARA 2, REFTEL, CODE OF CONDUCT IN
PARA 17 OF ARTICLE II ON "PARTICIPATION IN THE TRADE"
INDICATES THAT THE PRECEDING 16 PROVISIONS THEREOF APPLY
TO ALL CARGOES, THE ONLY EXCEPTION BEING MILITARY EQUIP-
MENT FOR NATIONAL DEFENSE PURPOSE. CODE AND DECREE 41-71
IN THIS REGARD WOULD BE INCOMPATIBLE. GOG COULD HAVE
FILED RESERVATION IN FAVOR OF DECREE 41-71 WHEN IT
DEPOSITED ITS INSTRUMENT OF RATIFICATION WITH THE UN,
BUT IT DID NOT.

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3. AS FOR ARMAGUA'S PROPOSED DRAFT LAW, IT IS OF INTEREST

FOR WHAT IT DOES NOT SAY, I.E. HOW THE TRADE WITH COUNTRIES NOT PARTY TO THE CODE OF CONDUCT WILL BE TREATED. ENVISAGED MARITIME COMMISSION APPEARS TO BE MORE A FREIGHT BOOKING CENTER AND SUPERFLUOUS MEASURE TO ENSURE 40-40-20 CARGO DIVISION SINCE POOLING AGREEMENT AMONG LINES WOULD ACHIEVE THE SAME. CARGO ASSIGNATION AGENCY, HOWEVER, COULD DO DOUBLE DUTY AND ALSO ROUTE CARGOES IN

TRADES WITH NON-CODE MEMBER COUNTRIES. EFFORTS BY THE GOG TO UNILATERALLY IMPLEMENT CODE PROVISIONS IN ITS TRADE WITH THE U.S. OR CREATE AGENCY RESPONSIBLE FOR ASSIGNING CARGOES TO LINES WOULD NOT APPEAR TO BE AN ACCEPTABLE SOLUTION TO THE PRESENT SHIPPING PROBLEM. EMBASSY WILL RECALL USG VOTED AGAINST ADOPTION OF CODE IN 1974 AND REMAINS OPPOSED TO ITS IMPLEMENTATION IN ITS PRESENT FORM.

4. RE YOUR REQUEST PARA 4, THIRTY COUNTRIES SIGNED THE CODE PRIOR TO THE SIGNATURE DEADLINE. CABLE 75 STATE 158342 LISTS THE THIRTY OF WHICH 10 ARE CONTRACTING PARTIES AS OF TODAY: PHILIPPINES, GUATEMALA, GHANA, NIGER, TOGO, CHILE, PAKISTAN, SRI LANKA, VENEZUELA & GAMBIA. THE REMAINING 20 HAVE NOT RATIFIED THE CODE AND SEVERAL ARE NOT EXPECTED TO DO SO SINCE THEIR SIGNING WAS FOR POLITICAL RATHER THAN ECONOMIC REASONS. SINCE THE SIGNATURE DEADLINE, FOUR COUNTRIES -- BANGLADESH, NIGERIA, BENIN (DAHOMEY) AND TANZANIA -- HAVE ACCESSED TO THE CODE. THE GRAND TOTAL IS 14 COUNTRIES (5 OF THEM, ALL IN AFRICA, HAVE NO LINER SHIPPING WHATSOEVER) REPRESENTING 2.4 OF TOTAL WORLD LINER TONNAGE. TO IMPLEMENT THE CODE AT LEAST 24 COUNTRIES WITH AT LEAST 25 PER CENT OF TOTAL WORLD LINER TONNAGE MUST BECOME CONTRACTING PARTIES. KISSINGER

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